IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 1011 OF 2004

Vithal J.Jagtap & others. ... Appellants.

Versus.

Balkrishna @ Kondiram R.Jagtap & ors. ... Respondents.

Shri S.P.Thorat for the Appellants.

Shri A.K.Patil for the Respondents Nos.1 & 2.

CORAM : ABHAY S. OKA, J.

DATED : 20th January, 2005.

P.C.:

1. The Second Appeal is filed by the original Defendants. The case of the Appellants is that their predecessor Jagannath purchased the suit land and the suit land was his self acquired property. The case of the Appellants is that the certificate under section 32-M of the Bombay Tenancy and Agricultural Land Act, 1948, has been issued in the name of Jagannath.

2. There is a finding that Rama, the father of Jagannath, was cultivating the suit land as a tenant on the tiller's day and he died on 1st July 1958. Therefore, the Courts below have disbelieved the case of the Appellants that the suit land was the self acquired property of Jagannath.

3. As Rama was a tenant in possession on the tiller's day. Jagannath who is one of his legal representatives

cannot claim exclusive ownership over the suit land. No substantial question of law arises. The Second Appeal is dismissed with no order as to costs.

Judge.